

THE MUNICIPAL DIGEST OF THE AMERICAS

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PUBLICACIÓN MENSUAL DE LA COMISIÓN PANAMERICANA DE COOPERACIÓN INTERMUNICIPAL, OBISPO 351, LA HABANA, CUBA. SOLICITADA LA FRANQUICIA POSTAL EN LA ADMÓN. DE CORREOS DE LA HABANA. DIRECTOR: DR. CARLOS M. MORÁN. COMPILADORA Y REDACTORA: BLANCA ROSA SÁNCHEZ. SUSCRIPCIÓN ANUAL: $1.50. SUSCRIPCIÓN COMBINADA CON LA "REVISTA MUNICIPAL INTERAMERICANA": $ 3.50 ANUAL.

AMERICA LATINA

BRASIL. Del 12 al 19 de outubro próximo pasado realizouse en São Vicente, Estado de São Paulo o II Congresso Nacional dos Municípios Brasileiros, com una representação de cerca de 1,800 congressistas, oriundos de todas as regiões do territorio nacional, e as teses apresentadas e discutidas atingiram a quasi duas centenas.

O artigo primeiro das disposições do regimento diz: "O Segundo Congresso Nacional dos Municípios Brasileiros tem por fim o estudo objetivo dos problemas municipais, de modo a ser fixada uma diretriz uniforme no encominhamento e solução dos assuntos vitais para o progresso do Município".

As teses apresentadas versaram sôbre os seguintes assuntos do Temário: Direito Municipal; Economia Municipal; Assistência social; Planejamento Municipal; e O Município e a reforma constitucional.

No punto dos do Temario trataranse assuntos relacionados com: Organização agrária; organização racional da produção; escoamento da produção; armazens reguladores e entrepostos agrícolas; bancos municipais; energia elétrica; imigração e colonização; migrações internas; e exodo rural.

Foi escolhida a cidade de Recibe, Estado de Pernambuco, para séde do III Congresso.

A PROPOSITO do projeto de lei apresentado no Congresso Nacional por o deputado Aliomar Baleeiro, visando a creação, nas Facultades de Direito do país, da cadeira de Direito Municipal, os professores Braz Arruda e Jayme Cavalcanti, aprovado pelo Conselho Universitário da Universidade de São Paulo, emitiram o seguinte parecer:

"... A seriação do curso jurídico se desenvolve atualmente em dois graus: um "obrigatório", que é o curso de bacharelando; outro "facultativo", que é o curso de doutoramento. O primeiro forma o profissional e o habilita ao exercicio da advocacia. O segundo prepara o cientista e os futuros professores universitários. No primeiro o estudo deve versar esencialmente sobre as disciplinas de direito positivo nacional, cujo conhecimento técnico é indispensável ao advogado militante. No segundo, as investigações têm carater predominantemente científico, realizandose em sentido de profundidade.

"O direito constitucional é, sem dúvida, uma das disciplinas mais importantes do curso jurídico. E, no direito constitucional, tem relevo excepcional, sobretudo entre nós, o di-

BRAZIL. From October 12th to 19th of last year the Second National Congress of Brazilian Municipalities was held at San Vicente, State of São Paulo, with an attendance of about 1800 delegates from all the regions of the national territory and the subjects presented and discussed amounted almost to two hundred.

The first article of the provisions of its regulations states: "The Second National Congress of Brazilian Municipalities has for its purpose the objective study of municipal problems in order to reach a uniform directive for the orientation and solution of vital matters for the progress of the municipality."

The subjects presented versed on the following matters on the Agenda: Municipal Law; Municipal Economy; Social Welfare; Municipal planning and the municipality and the constitutional reform.

Under point two of the Agenda matters in connection with: Agrarian Organization; rational organization of production; selection of production; regulated warehouses and agricultural depots; municipal banks, electric power, immigration and colonization, internal migrations and rural exodus, were discussed.

The city of Recife, State of Pernambuco was chosen as the seat for the Third Congress.

With regard to the bill introduced in the National Congress by Deputy Aliomar Baleeiro, providing for the creation in the Law Schools of the nation a chair of Municipal Law, professors Braz Arruda and Jayme Cavalcanti, with the approval of the University of São Paulo expressed the following opinion:

"...The curriculum of the law course is at present handled in two degrees: one "compulsory" which is the course for a Bachelor's degree and the other "voluntary" which is a course leading to a Doctor's degree. The first of these methods forms the lawyer and prepares him for the practice of the profession. The second prepares the scientist and the future university Professors. In the first method the studies should cover essentially the disciplines of the national substantive law the technical knowledge of which is essential to a practising lawyer. In the second, the study and research is of a pre-eminently scientific character, the same being treated in a sense of broader knowledge.

"Constitutional law is undoubtedly one of the most important subjects of the law curriculum. And in constitutional

reito municipal. Esta parte do direito tem sido estudada, no Brasil, como capitulo do Direito Constitucional, onde é considerado "incidenter tantum", para ser elevado á eminência de disciplina autonoma, a fim de constituir "principaliter" o objeto de investigação do profesor.

"... Ora a Constituição brasileira de 1946 assegurou a autonomia dos municipios (art. 28). Mas em torno do conceito de autonomia municipal reinam vivas controversias, desde a concepção do "municipalismo jusnaturalista", de que nos fala Kelsen ("Teoria General del Estado" p. 246) até a Lei Estadual n. 1, chamada "Lei Orgánica dos Municipios", que traçã a competência de suas atribuções. O ensino do direito positivo municipal virá por cobro a esse estado de incerteza e permitirá a formação de una doutrina brasileira sôbre essa unidade do direito público interno.

"Cremos que a instituição de uma cadeira de Direito Municipal trará grandes beneficios à formação cultural do advogado nao só pela sua importante doutrinaria como também pelos seus resultados práticos..."

COLOMBIA. El 6 de agosto de 1950 fué fundada en Bogotá, de acuerdo con normas expedidas por el Gobierno Nacional y la Alcaldía de Bogotá, la Universidad Municipal "Francisco José de Caldas". Desde entonces vienen funcionando con toda regularidad las Facultades de Ingeniería Forestal, de Ingenieria Radiotécnica y Ciencias Electrónicas y de Ingenieria Topográfica, existiendo el proyecto de crear otras carreras de Ingenieria especializada, comenzando por aquéllas que más necesita el país para su fundamental e inmediato desarrollo.

Su orientación es estrictamente científica y técnica, contando con un Consejo Directivo y un Consejo Superior Consultivo. Este último fué creado a fin de aprovechar las luces y experiencias de grandes profesores de otras Universidades nacionales y extranjeras, los que forman parte del Consejo Superior Consultivo como Miembros por Delegación.

law, municipal law occupies a preeminent place specially with us. This part of the law is being studied in Brazil as a part of the Constitutional Law where in it is considered as *"incidenter tantum"* to be raised to the level of an autonomous subject in order to become the main object of investigation by the professor.

"At the present time under the 1946 Brazilian Constitution the autonomy of the municipalities (Art. 28) was guaranteed. However in the concept of municipal autonomy several controversies have arisen from the concept of "legal-naturalist municipalism" of which Kelsen has written ("General Theory of the State" p. 246) to what is provided in State Law No. 1 known as "The Organic Municipal Law" that deals with the jurisdiction of its powers. A course in positive municipal law would overcome that state of uncertainty and permit the formation of a Brazilian doctrine on that phase of internal public law.

"We believe that the establishment of a chair of Municipal Law will be very beneficial in the cultural formation of the lawyer not only because of its doctrinary importance as because of its practical results..."

COLOMBIA. On August 6, 1950, the Municipal University "Francisco Jose de Caldas" was founded in Bogotá, in accord with regulation issued by the National Government and the Municipality of Bogotá. Since that time the Faculties of Forestry Engineering, Radiotechnical Engineering, Electronie Science, Autopographical Engineering have been functioning there being a plan to create other specialized engineering beginning by those that the country needs most for its fundamental and immediate development.

Its orientation is strictly scientific and technical, and it has a Directive Council and a Superior Advisory Council. The latter was created for the purpose of making use of the knowledge and experience of outstanding professors of other national and foreign universities who are members of the Superior Advisory Council by delegation.

ESTADOS UNIDOS DE AMERICA

NUEVA ORLEANS, LA. Recientemente, por votación mayoritaria, los habitantes de esta ciudad decidieron cambiar su sistema de administración y legislación.

El nuevo sistema, que comenzará a regir en 1954, tendrá al Alcalde como único administrador y a los actuales siete comisionados, como legisladores.

El Alcalde, que no podrá votar, como hasta ahora lo ha venido haciendo en asuntos de orden legislativo, tendrá más poderes y mayor responsabilidad, contando con un asistente para ayudarle en sus funciones administrativas.

Se espera que la separación de los póderes legislativos y ejecutivos, dará más eficiencia a la administración de la ciudad en general.

ESTADO LIBRE DE PUERTO RICO. (Población: 2.210,703). Después de la promulgación de una nueva Constitución que permite mayor flexibilidad en la organización del gobierno, se ha efectuado una mayor reorganización en la administración financiera según informa "The Municipal Finance News Letter". El cargo del Auditor fué abolido en el Poder Ejecutivo y sus responsabilidades de la contabilidad general, pre y post intervenciones fueron divididas entre el Departamento de Finanzas y el nuevo cargo de Interventor. Este cargo creado como parte del poder legislativo se ocupará solamente de las operaciones de la post-intervención.

LOUISIANA. Los electores de este estado aprobaron una reforma constitucional que permitirá a las parroquias (con-

NEW ORLEANS, LA. Recently by a referendum the people of that city decided to change its system of administration and legislation.

The new system which will go into effect in 1954 will have the Mayor as the sole administrative head and the present seven commissioners as legislators. The Mayor who will have no vote as he has had up to the present in legislative matters, will have greater powers and responsibilities and will have an assistant to help him in his administrative duties.

It is expected that the separation of the legislative and executive powers will provide the administration of the city in general with more efficiency.

COMMONWEALTH OF PUERTO RICO. (Pop. 2,210.703). Following adoption of a new constitution which permits greater flexibility in government organization, a major reorganization has taken place in financial administration, the "Municipal Finance News Letters" reports. The office of the Auditor was abolished in the executive branch and its responsibilities of general accounting, pre-audit and post-audit were divided between the Finance Department and the new Office of the Controller. The latter office, created as part of the legislative branch, will perform only post-audit operations.

LOUISIANA voters approved an amendment to the state constitution which would permit parishes (counties) wards

dados), barrios y municipios del Estado proveer financiamiento para ayuda de las industrias. La medida adoptada por Louisiana es casi igual al programa "equilibrar la agricultura con la industria" de Mississippi. Bajo esta reforma los gobiernos locales podrán emitir bonos generales para construir edificios que podrán ser arrendados a la industria privada.

TOPEKA, KANSAS. (Población 18,791). De acuerdo con información del "Municipal Finance News Letter", esta ciudad cuenta con una fuente de ingresos fuera de lo corriente, obtenidos de la venta de la alfalfa deshidratada. La ciudad celebró un contrato con una compañía local deshidratadora que dispone la siembra de alfalfa en las partes disponibles del aeropuerto. El contrato dispone que todos los gastos de la siembra serán sufragados por la compañía contratista. La compañía recogerá el alfalfa y separará los primeros ingresos para el costo de la siembra. Después de pagar los costos de la siembra la Ciudad y la Compañía se dividen por igual cualquiera utilidad. En ningún caso la ciudad invierte dinero o esfuerzo en la operación.

Los ingresos de 405 acres sembrados en 1952 ascendieron a $29,211.35. Después de pagarse el costo de la siembra la ciudad recibió $7,923.02. La Ciudad estima que los costos en 1953 serán pequeños y que la participación de la ciudad excederá $20,000, contando con las lluvias usuales. La compañía contratista calcula que el rendimiento en 1952 descendió en 500 toneladas debido a la sequía. Además de recibir ingresos de su aeropuerto, la Ciudad también se libró de la tarea de cortar la maleza en el área sembrada.

and municipalities of the state to provide industry-aid financing. The measure adopted by Louisiana is substantially the same as the "balance-agriculture-with-industry" program of Mississippi. Under the amendment, local governments would be able to issue general obligation bonds to construct buildings which may be leased or sold to private industry.

TOPEKA, KAN. (Pop. 18,791) has an unusual revenue source in the form of receipts obtained from the sale of dehydrated alfalfa, the "Municipal Finance Officers Association" News Letter informs. The city entered into a contract with a local dehydrating company which provided for the planting of alfalfa on the available portions of the airport. The contract provided that all expenses of seeding would be paid by the contracting company. This company then harvested the alfalfa and applied the first receipts to the planting costs. After planting costs the city and company share equally in any income earned. At no time does the city expend either money or effort in the operation.

Income from 405 acres planted in 1952 amounted to $29,211.35. After all planting costs were paid the city received $7,923.02. The city anticipates that costs for 1953 should be slight and that the city's share of the crop will exceed $20,000 in that year, assuming normal rainfall. The contracting company estimates that yield was short 500 tons of alfalfa in 1952 due to drought conditions.

In addition to receiving revenue from its airport, the city is also freed from the job of cutting weeds on the area planted.

COMISION PANAMERICANA DE COOPERACION INTERMUNICIPAL

Síntesis de las actividades del Secretariado de la C.P.C.I. durante el mes de octubre de 1952.

IV REUNION DEL C.I.M. Entre las últimas adhesiones y comentarios recibidos se encuentran las siguientes: del Ayuntamiento de Nuevitas (Camagüey, Cuba): Municipalidad de Tarija (Bolivia); de la Gobernación Departamental de Guatemala, quien ha puesto en conocimiento de todos los Alcaldes Municipales pertenecientes a dicho Departamento el anuncio para que concurran a la IV Reunión; del Sr. Hotacilio Brum, Intendente Municipal de Artigas (Uruguay): "estoy dispuesto a prestar mi más entusiasta apoyo y colaboración para que la IV Reunión del Congreso Interamericano de Municipios... tenga el éxito y la trascendencia que todos deseamos"; del Sr. Manuel Antonio García, Presidente Municipal del Distrito Zamora (Estado Miranda, Venezuela): "Teniendo en cuenta la importancia de esa reunión, nos complacemos en desear un éxito acorde con las consecuencias que de ella se esperan, que se deduzcan ingentes beneficios para la humanidad y que, por tales motivos, reviva en el mundo el espíritu de lucha por la consecución de la paz y el bienestar social"; del Dr. Josino Alves da Rocha Loures, Director del Departamento de Asistencia Técnica a los Municipios, Curitiba (Estado Paraná, Brasil): "Como grandes admiradores dêsses conclaves que se vêm caracterizando de reconhecida utilidades pelos satisfatórios resultados obtidos em prol da política municipalista, já evidenciada e prestigiada por todos os Governos, prometemos emprestar todo o nosso apôio a essa louvável iniciativa"; y del Sr. Araújo Cavalcanti, de la Asociación Brasileira de Municipios, Río de Janeiro (Brasil): "...aguardo com justificado prazer a oportunidade de comparecer, desta vez, ao importante conclave de Montivideo. A oportunidade será realmente magnífica para uma discussão conjunta e objetiva dos problemas comuns às Municipalidades do Continente"; del Excmo. Sr. Geo P. Shaw, Embajador de los EE. UU. de

Brief report of the activities of the Secretariat during the month of October:

IV MEETING OF THE INTER-AMERICAN CONGRESS OF MUNICIPALITIES. Among the recent adhesions and comments that have been received we have the following: From the Municipality of Nuevitas, Camaguey, Cuba; The Municipality of Tarija. Bolivia; from the Department of the Interior of Guatemala which has made an announcement to all the Mayors of that Department advising them to attend the IV Meeting; from Mr. Hotacilio Brum, Mayor of Artigas, Uruguay: "I am ready to give by most enthusiastic support and collaboration so that the Fourth Meeting of the Inter American Congress of Municipalities may achieve the success and importance that we all wish"; from Mr. Manuel Antonio Tarcia, Municipal President of the District of Zamora, State of Miranda, Venezuela: "In consideration of the importance of that meeting, we take pleasure in wishing it a success in line with the consequences expected from it, and that they will bring great benefits to humanity and that, for those reasons there shall be reborn in the world the spirit of struggle for obtaining peace and social welfare"; from Dr. Josino Alves da Rocha Loures, Director of the Department of Technical Assistance to Municipalities, Curitiba, State of Paraná, Brazil: "Being great admirers of the meetings that are being characterized with great usefulness due to the satisfactory results obtained in behalf of municipalistic policies, already evidenced and enhanced by all governments, we promise to lend all our support to that praiseworthy initiative"; from Mr. Araujo Cavalcanti, of the Brazilian Association of Municipalities of Rio de Janeiro, Brazil: "...I am looking forward with justified pleasure to the opportunity of being present this time at the important Montevideo meeting. The opportunity for a joint and objective discussion of the problems common to the municipalities of the continent is truly magnificent"; from His Excellency Mr. George P. Shaw, Ambassador of the United

América en Paraguay; del Dr. Alberto Mosquera A., Secretario General de la Alcaldía de Popayán (Colombia); y del Sr. Leónidas Leitón, Alcalde de Valparaíso (Chile).

NUEVA FILIAL DE LA O.I.C.I. Una vez celebrado el Primer Congreso Nacional de Municipalidades de la República de Paraguay, cuya Agenda dimos a conocer en el Boletín correspondiente a julio de 1952, se constituye la Organización Paraguaya de Cooperación Intermunicipal, solicitando la afiliación a nuestra Organización. En amable carta que nos dirige el Intendente Municipal de Asunción, Ing. Gustavo F. A. Storm, nos participa esta grata noticia que constituye el afianzamiento del movimiento de cooperación intermunicipal interamericano en Paraguay, así como la distinción que se ha hecho en el mencionado Congreso al Dr. Carlos M. Morán, designándolo Miembro de Honor, "en razón de sus elevadas funciones secretariales al frente de la OICI", distinción que se agradece profundamente.

En el Año III, Nos. 1 y 2, julio-diciembre, 1952, de la "Revista Municipal Interamericana", se da más amplia información sobre este evento, por cuyo éxito felicitamos al Intendente Ingeniero Storm, organizador e impulsor del movimiento municipal en Paraguay.

DEL CORREO. El Señor Samuel Silva, Oficial Mayor de la Municipalidad de Quito, nos dirige amable comunicación donde nos informa sobre su gran interés por el estudio de las materias municipales y la experiencia que ha logrado en este campo; nos felicita por nuestras publicaciones y se ofrece a colaborar "en esta cruzada que debemos acentuar más y más cada día con nuestro intercambio de ideas, de problemas, de inquietudes y de soluciones". Aceptamos gustosos y agradecidos las informaciones que pueda proporcionarnos sobre el desenvolvimiento de la vida municipal en Ecuador, así como las colaboraciones de índole municipal que nos ofrece.

El Excmo. Sr. César Tulio Delgado, Representante de Colombia ante la O.E.A., nos pide proporcionemos datos al Dr. Decio Tafurt González, de Bogotá, quien prepara la Tesis de Grado para doctorarse en Ciencias Económicas y Jurídicas en la Universidad Católica Javeriana, información que hemos enviado con mucho gusto.

PUBLICACIONES. Se envían a imprenta los originales del "Boletín —The Municipal Digest of the Americas", Año XIII, No. 9, septiembre de 1952.

Refiriéndose a la "Revista Municipal Interamericana", el Sr. Reynaldo Venegas I., Jefe del Departamento de Extensión Cultural de la Universidad Técnica de Oruro al solicitar el constante envío de la misma, nos dice: "fué en mi poder la interesante Revista... la misma que, por su magnífica presentación y material informativo, impresionó gratamente a nuestro público lector".

CORRESPONDENCIA. Se despacharon 71 cartas y 1 cable; se recibieron 65 cartas y 1 cable.

BIBLIOTECA. Se recibieron 118 publicaciones en total.

FINANZAS. Envía su cuota anual la Municipalidad de Colón, Panamá.

States of America in Paraguay; from Dr. Alberto Mosquera, General Secretary of the Municipality of Popayán, Colombia; from Dr. Leonidas Leitón, Mayor of Valparaiso, Chile.

NEW MEMBER OF THE INTER-AMERICAN MUNICIPAL ORGANIZATION. After holding the First National Congress of Municipalities of the Republic of Paraguay, the Agenda of which was published in the Bulletin of July 1952, the Paraguayan Organization of Intermunicipal Cooperation was organized, applying for membership in our Organization. In a very kind letter addressed to us by the Mayor of Asuncion, Engineer Gustavo F. A. Storm, he gives us this great news which serves to further strengthen the movement of inter-American intermunicipal cooperation in Paraguay, as well as the honor that has been bestowed by that Congress on Dr. Carlos M. Moran, making him an Honorary Member "in view of his efficient secretarial functions at the head of the Inter American Municipal Organization", an honor which is very greatly appreciated.

In the "Revista Municipal Interamericana," Year III, Nos. 1 and 2, July-December 1952, considerable information on this event is given, for the success of which we congratulate Engineer Storm, the organizer and moving spirit of the municipal movement in Paraguay.

FROM THE MAIL. Mr. Samuel Silva, Senior Official of the Municipality of Quito, Ecuador, has sent us a kind communication advising us of his great interest in the study of municipal matters and the experience he has achieved in this field; he congratulates us on our publications and offers his collaboration "in this crusade that we must more effective from day to day through our interchange of ideas, of problems, on anxieties and suggestions." We accept with pleasure and appreciation the information that he can furnish us with regarding the development of the municipal life in Ecuador as well as the collaborations of a municipal order that he has offered us.

His Excellency Mr. Cesar Tulio Delgado, Representative of Colombia before the Organization of American States asks us to send data and information to Dr. Decio Tafurt González, of Bogotá, who is preparing his Graduation Thesis for a doctorate in Economic and Juridical Sciences at the Universidad Catolica Javeriana, information and data which we have been very pleased to send him.

PUBLICATIONS. The originals of the "Boletin —The Municipal Digest of the Americas", Year XIII, No. 9, September 1952, has gone to the printer.

Referring to "Inter-American Municipal Review", Mr. Reynaldo Venegas I., Chief of the Department of Cultural Extension of the "Universidad Tecnica" of Oruro, in asking that we constantly send the same to him, says: "...the important magazine reached me... the magazine which due do its fine presentation and informative material has greatly impressed our reading public."

CORRESPONDENCE. 71 letters and 1 cable were sent out and 65 letters and 1 cable were received.

LIBRARY. A total of 118 publications were received.

FINANCES. The Municipality of Colon, Panama, has sent in its annual quota.

El material informativo de nuestras publicaciones puede consultarse en la Biblioteca especializada de la C.P.C.I., la que lo recibe como cortesía de diversas instituciones y particulares.